

## **REMARKS**

Dependent Claims 4, 11, 20, and 24 have been amended herein. Claims 1-37 are now pending in the Application. No new matter has been added. Entry of the amendments is respectfully requested. Reconsideration is respectfully requested.

### **Amendments to Claims**

The amendments to Claims 4, 11, 20, and 24 are to correct typographical errors identified in the course of responding to this Office Action. The changes to these claims are intended to enhance the clarity and definiteness of the claims and do not alter the scope of the claims. None of the amendments address rejections recited in the Action. The responsive arguments contained herein are equally applicable to the original claims and to the claims as amended.

### **The Pending Claims Are Not Anticipate or Obvious in View of the Applied Art**

Claims 1, 2, 5-7, 9, and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by published U.S. Patent Application 2001/0030436 ("Kifer"). Claims 3-48, 10-20, 23-25, and 27-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kifer. Claims 21-22, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kifer in view of U.S. Patent No. 6,811,197 ("Grabowski").

These rejections are respectfully traversed. Applicant respectfully submits that each of these claims recites features which patentably distinguish over the prior art.

### **Brief Description of the Invention**

The present invention is directed to an organizer console which is customizable for the individual tastes and needs of individual pilots of small planes. The elements of the organizer console claimed permit the pilot to select the particular configuration and accessories useful to his or her particular needs, or perhaps multiple interchangeable accessories to meet needs which change over time or which are based on the particular aircraft being flown. It is also designed to meet the unique needs of pilots, which are different from the needs of drivers of motor vehicles. Pilots, unlike the drivers of motor vehicles, are often required to chart, read maps, write down information, or perform other tasks which would be unsafe if performed by the drivers of motor vehicles. The console is designed to facilitate those tasks by serving as a desk.

### **The Applied References Do Not Disclose or Suggest the Features and Relationships Recited in Applicant's Claims**

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is “necessarily present” in a cited reference. Inherency may not be established based on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used

or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999).

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Applicant are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

The evidence of record must teach or suggest the recited features. An assertion of basic knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

It is respectfully submitted that the Action does not meet these burdens.

#### **The Kifer Reference**

Kifer is directed to an organizer console for a motor vehicle. The console is a relatively standard motor vehicle console, with the exception that it may be removably attached to one of a

plurality of bases which are installed at various locations within a motor vehicle, or it may be removed from the motor vehicle entirely.

### **The Grabowski Reference**

Grabowski is directed to a support structure and housing for an electrical energy storage device, specifically for spare or backup batteries for hybrid electric and fuel cell powered vehicles. Grabowski attaches the battery to a support structure which is fixed to the floor of a car, and uses a housing which includes a console to cover the battery.

### **The Features Recited in Applicant's Claims Patentably Distinguish Over Kifer**

In the Action Claims 1, 2, 5-7, 9, and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kifer. These rejections are respectfully traversed. Applicant's response to these rejections is based on the Office's referenced interpretation of Kifer. Thus, any change in the Office's interpretation of Kifer shall constitute a new ground of rejection.

The Action alleges that Kifer "shows the organizer console with compartments and doors and walls and connection means and accessory storage and connection." The Action suggests that these elements anticipate independent Claim 1 and dependent Claims 2, 5-7, 9, and 26.

Applicant disagrees. These rejections are respectfully traversed on the grounds that the Kifer reference does not contain all the elements of the claimed invention arranged in the manner recited in the claims. The features and relationships recited in Applicant's claims patentably distinguish over the Kifer reference.

**Claims 1, 2, 5-7, and 9**

Claim 1 is directed to an organizer console having “at least one attachment part that is affixed to the external face of at least one of the sides and ends.”

The Action alleges that Kifer “shows the organizer console with compartments and doors and walls and connection means and accessory storage and connection.” The Action does not allege that Kifer discloses an attachment part that is affixed to the external face of at least one of the sides and ends. Kifer does not, in fact, disclose or suggest an attachment part that is affixed to the external face of at least one of the sides and ends. At most, Kifer teaches an attachment part which is located on the bottom of the console rather than the sides or ends and includes portions of the attachment part on both the interior and exterior of the bottom panel (paragraphs 0032-0038), and a second on the interior of a panel which serves as a lid, not as a side or end, to the console (paragraph 0042).

Claims 1 thus includes at least one attachment part that is affixed to the external face of at least one of the sides and ends, an element or limitation not taught by Kifer. Thus, Kifer does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicant’s Claim 1 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome.

It follows that the Claims 2, 5-7, and 9 which depend from Claim 1, or from claims which depend from Claim 1, are also patentably distinguish over the Kifer reference are likewise allowable. In additions Claims 2, 5-7, and 9 teach the following additional elements or

limitations not taught or suggested by Kifer: an internal floor, a bottom compartment, a hinged and latchable access door the bottom compartment, and specific shapes to the upper edges and lower edges. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejections have been overcome.

### **Claim 26**

Claim 26 is a dependent claim directed to a “method for organizing flight accessories comprising selecting an organizer console . . . [and] customizing the console by attaching an accessory module and a mounting bracket to the organizer console using at least one track and rail attachment part [and] attaching an armrest module to the console using hinged rails.”

The Action alleges, as applicable to Claim 26, that Kifer “shows the organizer console with compartments and doors and walls and connection means and accessory storage and connection.” It did not allege that Kifer disclosed a method for organizing flight accessories, customizing the console, or attaching an armrest module to the console using hinged rails, nor did it allege that the method was inherent based on the Kifer apparatus. The Action did not identify the steps of the method of Claim 26 which are taught by Kifer. Such steps are not set out in Kifer. The Action did not allege or explain by citation to prior art why the untaught steps are necessarily present in the Kifer apparatus, as required to establish inherency.

Furthermore, applicant respectfully suggests that the steps of the method in Claim 26 are not taught or inherent based on the Kifer apparatus. Kifer does not disclose or suggest a method for organizing flight accessories, customizing the console, or attaching an armrest module to the console using hinged rails. All of the vehicles Kifer mentions specifically, or by general

category, are road based vehicles (automobiles, convertibles, minivans, and trucks, “and the like”). Kifer uses the term “motor vehicle” as the broadest category of vehicles to which the console may be removably attached. A motor vehicle is defined as “an automobile, truck, bus, or similar conveyance equipped with tires and driven on roads.” 934 *Webster’s Encyclopedic Unabridged Dictionary of the English Language* (New Revised Edition 1996). This definition is consistent with Kifer’s use of it. Thus, at most, Kifer teaches or suggests a method for organizing items for road based travel, not for flight.

Neither does Kifer teach or suggest as method of customizing console by selecting accessory modules to attach. The only customization taught or suggested by Kifer was the ability to move the console to a different location within the vehicle (paragraph 0027), which is not customization of the console itself. Further, Kifer does not teach or suggest either an armrest or the hinged rails which Claim 26 teaches are used to attach such an armrest. No mention of an armrest, or of rails associated with such armrest, is contained in Kifer.

Claims 26 teaches a method, modular customization, and an armrest and hinged rails used to attach such an armrest, which elements or limitations not taught by Kifer. Thus, Kifer does not disclose each and every element of the claimed invention arranged in the manner recited in the claim, as is required to sustain the rejection. Hence, Applicant’s Claim 26 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome.

### **The Pending Claims Are Not Obvious Over Kifer**

In the Action Claims 3-4, 8, 10-20, 23-25, and 27-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kifer. These rejections are respectfully traversed. Applicant's response to these rejections is based on the Office's referenced interpretations of Kifer. Thus, any change in the Office's interpretation of these references shall constitute a new ground of rejection.

The Action alleges that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the console of Kifer et al in an aircraft as merely the application thereof to a different vehicle and to provide specific shaping for cosmetic appearance." The Action also alleges that "specific armrests, keyhole slots, rivets, and 'T' tracks are well known hardware expedients and would be obvious to so modify Kifer et al."

With respect to the allegation as to "specific armrests, keyhole slots, rivets, and 'T' tracks," even if such elements exist in prior art in some form, the specific form may not exist and, as noted above, the Action must clearly and particularly identify the teaching, suggestion, or motivation to combine existing prior art features to support a rejection on the basis of obviousness.

Applicant disagrees with the allegations and interpretations of prior art and respectfully traverses these rejections on the grounds that Applicant's claims recite features and relationships which are neither disclosed nor suggested in the prior art, and because there is no teaching, suggestion, or motivation cited so as to produce Applicant's invention.



### **Claim 3**

Claim 3 depends indirectly from Claim 1, through Claim 2. Claims 1 and 2 were rejected as anticipated, but the Action did not reject Claims 1 and 2 as obvious. The anticipation rejection has been traversed, and because no obviousness objection was made Claims 1 and 2 are presumed to be to be non-obvious. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious” (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claim 3 is allowable on the same basis. As noted above, any change in the Office’s interpretation of Kifer shall constitute a new ground of rejection.

In addition, Claim 3 is directed to a console with at least one of the at least one internal walls removably attached to the first and second sides. Kifer teaches a single fixed wall arguably extending between first and second sides of the console, identified by reference numeral 50. Kifer does not teach or suggest that additional dividing walls, moveable or not, are present or would be desirable. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. See *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988). Modifying the single Kifer wall to make it removably attached would destroy the one of the advantages of the Kifer console, because the upper surface of wall 50 includes a locking mechanism which must remain in a fixed position in order to securely lock the two portions of Kifer’s lid and thus cannot serve as a basis for an obviousness rejection.

Applicant respectfully suggests that Kifer does not disclose or suggest the features and relationships that are specifically recited in Claim 3. Hence, Applicant's Claim 3 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

#### **Claim 4**

Claims 4 depends directly from Claim 3, and through it from Claims 1 and 2. Claims 1 and 2 were rejected as anticipated, but the Action did not reject Claims 1 and 2 as obvious. The anticipation rejections have been traversed, and because no obviousness objection was made Claims 1 and 2 are presumed to be to be non-obvious. Claim 3 was rejected as obvious. The obviousness rejection has been traversed. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claim 4 is allowable on the same basis. As noted above, any change in the Office's interpretation of Kifer shall constitute a new ground of rejection.

Applicant respectfully suggests that Kifer does not disclose or suggest the features and relationships that are specifically recited in Claim 4. Hence, Applicant's Claim 4 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

### **Claim 8**

Claim 8 depends directly from Claim 6 and through it indirectly from Claims 1 and Claim 5. Claims 1, 5, and 6 were rejected as anticipated, but the Action did not reject Claims 1, 5, and 6 as obvious. The anticipation rejection has been traversed, and because no obviousness objection was made Claims 1, 5, and 6 are presumed to be to be non-obvious. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious” (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claim 8 is allowable on the same basis. As noted above, any change in the Office’s interpretation of Kifer shall constitute a new ground of rejection.

In addition, creating an open bottom compartment would destroy the advantage of Kifer because such a compartment would interfere with the lever and release mechanism and electrical socket of Kifer, both of which require access from the existing compartments of Kifer to the electrical and mechanical connections of the base on which the Kifer compartment rests, and to which it is attached. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. See *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Applicant respectfully suggests that Kifer does not suggest the features and relationships that are specifically recited in Claim 8. Hence, Applicant’s Claim 8 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

### **Claim 10**

Claim 10 depends directly from independent Claim 1. Claim 1 was rejected as anticipated, but the Action did not reject Claim 1. The anticipation rejection has been traversed, and because no obviousness objection was made Claim 1 is presumed to be to be non-obvious. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious” (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claim 10 is allowable on the same basis. As noted above, any change in the Office’s interpretation of Kifer shall constitute a new ground of rejection.

Further, Claim 10 includes the cockpit of an aircraft itself. The Action alleges it would have been obvious to locate the console of Kifer in an aircraft as “merely the application thereof to a different vehicle.” Applicant respectfully disagrees with the interpretation. Claim 10 does not claim the cockpit of an aircraft as a location in which the Claim 10 console may be placed. Claim 10 includes the cockpit as part of the apparatus. Including the cockpit of an aircraft as part of the Kifer console would destroy the usefulness of the Kifer console, as such an apparatus would never fit within a motor vehicle, or if it did would not be useful as a console. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. See *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Applicant respectfully suggests that Kifer does not disclose or suggest the features and relationships that are specifically recited in Claim 10. Hence, Applicant’s Claim 10 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

### Claims 11, 18, and 19

Claims 11, 18, and 19 depend from independent Claim 1. Claim 1 was rejected as anticipated, but the Action did not reject Claim 1 as obvious. The anticipation rejection has been traversed, and because no obviousness objection was made it is presumed to be to be non-obvious. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious” (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claims 11, 18, and 19 are allowable on the same basis. As noted above, any change in the Office’s interpretation of Kifer shall constitute a new ground of rejection.

In addition, Claim 11 includes a hinged armrest which is attached to the console by hinged rails. The armrest may swing open about pivots on the rails to permit access to the interior of the console and may also slide forward and backward along the rails. As noted above, Kifer does not mention an armrest. Nothing in the specification of Kifer suggests using the console as a place to rest the arm of an operator of a motor vehicle therefore assuming, *arguendo*, an armrest is prior art as the Action alleges, the Action does not allege any teaching, suggestion, or motivation to combine the Kifer console and an armrest from unspecified prior art.

Further, the armrest of Claim 11 is a specialized armrest which is moveable in two directions. It is pivotal to reveal the interior of the console and slideable to permit locating the armrest in a convenient location for use. The Action did not identify any such specialized armrest as contained in prior art. In addition assuming, *arguendo*, such prior art exists adding the slideable armrest as claimed in Claim 11 to the Kifer console would destroy the advantages

of the Kifer console in much the same way a removable interior wall would. Kifer requires three elements of its console to join in a particular relation to each other: The top edge of the interior wall, and the trailing and leading edges of the panels which make up the lid of the Kifer console join approximately collinearly to permit the console to latch. Replacing the Kifer lid with a sliding armrest would prevent the Kifer console from being securely closed. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. See *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Claim 19 is directed to customization of a console organizer with items such as an LED emergency light, an oxygen tank mount, a fire extinguisher mount, and a GPS mount. These items are relatively standard for use in small aircraft, but not for use in the motor vehicles for which Kifer was invented. The Action did not identify prior art teaching the existence of such items with mounting brackets which are adapted to releasably mate with an attachment part on the ends or sides of a console, nor did it identify any suggestion, teaching to create these items or to attach them to the Kifer console, which is directed to motor vehicle use not aircraft use.

Applicant respectfully suggests that Kifer does not suggest the features and relationships that are specifically recited in Claims 11, 18, and 19. Hence, Applicant's Claims 11, 18, and 19 patentably distinguish over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

### **Claims 12-15, 20, 23-24**

Claims 12-15, 20, 23-24 each depend directly or indirectly from Claim 11, which depends from independent Claim 1. Claim 1 was rejected as anticipated, but the Action did not reject Claim 1 as obvious. The anticipation rejection has been traversed, and because no obviousness objection was made Claim 1 is presumed to be to be non-obvious. The obviousness rejection with respect to Claim 11 has been traversed. All obviousness rejections with respect to intermediate claims have been traversed. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious” (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent claims are allowable on the same basis.

Applicant respectfully suggests that Kifer does not suggest the features and relationships that are specifically recited in Claims 12-15, 20, 23-24. In addition to the features and relationships which are contained in the allowable claims from which Claims 12-15, 20, 23-24 depend, these Claims also include the following additional features and relationships not taught or suggested by Kifer: a tension screw used to hold the armrest in position horizontally, specific shape of the armrest tracks and rails, an attachment part located specifically on an end of the container, the specific shape of the attachment part, an angled mounting bracket, an accessory module comprising a clipboard or computer laptop tray. Hence, Applicant’s Claims 12-15, 20, 23-24 patentably distinguish over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

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### **Claim 16-17**

Claims 16 and 17 depend directly or indirectly from independent Claim 5. Claim 5 was rejected as anticipated, but the Action did not reject Claim 5 as obvious. The anticipation rejection has been traversed, and because no obviousness objection was made it is presumed to be to be non-obvious. “If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious” (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claims 16 and 17 are allowable on the same basis. As noted above, any change in the Office’s interpretation of Kifer shall constitute a new ground of rejection.

Applicant respectfully suggests that Kifer does not disclose or suggest the features and relationships that are specifically recited in Claims 16-17. Hence, Applicant’s Claims 16-17 patentably distinguish over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

### **Claim 25**

Claim 25 is an independent claim directed to a “method for organizing flight accessories comprising selecting an organizer console . . . [and] customizing the console by attaching an accessory module and a mounting bracket to the organizer console using at least one track and rail attachment part.”

It is respectfully submitted that Kifer does not disclose a method, but an apparatus. As applicable to Claim 25, the Action alleges that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the console of Kifer et al in



an aircraft as merely the application thereof to a different vehicle. The Action did not allege that Kifer disclosed a method for organizing flight accessories or customizing the console, nor did it allege that the method was inherent based on the Kifer apparatus. The Action did not identify the steps of the method of Claim 25 which are taught by Kifer. Such steps are not set out in Kifer. The Action did allege or explain by citation to prior art why the untaught steps are necessarily present in the Kifer apparatus, as required to establish inherency, and are furthermore impossible to perform using the Kifer apparatus.

Furthermore, applicant respectfully suggests that the steps of the method in Claim 25 are not taught or inherent based on the Kifer apparatus. Kifer does not disclose or suggest a method for organizing flight accessories, customizing the console, or attaching an armrest module to the console using hinged rails. All of the vehicles Kifer mentions specifically or by general category are road based vehicles (automobiles, convertibles, minivans, and trucks, “and the like”). Kifer uses the term “motor vehicle” as the broadest category of vehicles to which the console may be removably attached. A motor vehicle is defined as “an automobile, truck, bus, or similar conveyance equipped with tires and driven on roads.” 934 *Webster’s Encyclopedic Unabridged Dictionary of the English Language* (New Revised Edition 1996). This definition is consistent with Kifer’s use of it. Thus, at most, Kifer teaches or suggests a method for organizing items for road based travel, not for flight. Nothing in Kifer teaches, suggests, or motivates using the Kifer console for organizing flight accessories.

Neither does Kifer teach or suggest as method of customizing console by selecting accessory modules to attach. The only customization taught or suggested by Kifer was the ability to move the console to a different location within the vehicle (paragraph 0027). Kifer

does not teach, suggest, or motivate customizing the Kifer console by attaching different accessory modules. For this reason Claim 25 includes elements and limitations which are not disclosed or suggested by Kifer, and is not therefore anticipated by Kifer.

Applicant respectfully suggests that Kifer does not disclose or suggest the features and relationships that are specifically recited in Claim 25. Hence, Applicant's Claim 25 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

#### **Claims 27-37**

Claims 27-37 depend from independent Claim 25. Claim 25 was rejected as obvious. The anticipation rejection has been traversed. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claims 27-36 are allowable on the same basis. As noted above, any change in the Office's interpretation of Kifer shall constitute a new ground of rejection.

Applicant respectfully suggests that Kifer does not suggest the features and relationships that are specifically recited in Claims 27-36. In addition to the features and relationships which are contained in the allowable claims from which Claims 27-36 depend, these claims also include the following additional features and relationships not taught or suggested by Kifer: an LED light on the exterior surface of an armrest module, specific structure for the attachment of at least one accessory module and mounting bracket, a computer laptop tray, clipboard, and armrest extension, an integrated mounting bracket, an oxygen tank mount, fire extinguisher

mount, and GPS mount, a bottom contour which conforms to the floor of a cockpit of a selected airplane, a bottom compartment, a latchable door to said bottom compartment. Hence, Applicant's Claims 27-37 patentably distinguish over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

### **Claims 21-22**

Claims 21 and 22 depend directly or indirectly from Claims 1 and Claim 5. Claims 1 and 5 were rejected as anticipated, but the Action did not reject Claims 1 and 5 as obvious. The anticipation rejection has been traversed, and because no obviousness objection was made Claims 1 and 5 are presumed to be to be non-obvious. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claims 21 and 22 are allowable on the same basis. As noted above, any change in the Office's interpretation of Kifer shall constitute a new ground of rejection.

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In addition, as applicable to Claims 21 and 22, the Action asserts that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Kifer et al with the battery storage taught by Grabowski et al since it is a convenient location." Applicant respectfully disagrees. Grabowski teaches a battery support member which is "affixed to a vehicle frame member" (Col. 3, lines 19-20) or alternately by "flanges . . . for cooperating with floorpan" (Col. 5, lines 30-33), fixing the battery to the frame of the vehicle. The Grabowski battery is fixed to the floorboard of the vehicle in every embodiment, and because it is intended to assist in propelling the car it must be fixed to avoid unexpected disconnection of electrical connections which might cause an accident. In contrast, the Kifer

console is deliberately designed to be relocatable within the vehicle, and its primary advantage is that it can be moved from one location to another. Combining the Grabowski battery with the Kifer console would either destroy the advantage of the Kifer console by fixing it to a single location or would destroy the utility of the Grabowski battery by making it mobile. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. See *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Applicant respectfully suggests that Kifer does not disclose or suggest the features and relationships that are specifically recited in Claim 21-23. Hence, Applicant's Claims 21-23 patentably distinguish over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

### **Claim 37**

Claim 37 depends from dependent Claim 35, which depends from independent Claim 25. Claims 25 and 35 were rejected as obvious. The obviousness rejections have been traversed. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent Claim 37 is allowable on the same basis. As noted above, any change in the Office's interpretation of Kifer shall constitute a new ground of rejection.

In addition, the Action asserts that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the console of Kifer et al with the battery storage taught by Grabowski et al since it is a convenient location." Applicant

respectfully disagrees. Grabowski teaches a battery support member which is “affixed to a vehicle frame member” (Col. 3, lines 19-20) or alternately by “flanges . . . for cooperating with floorpan” (Col. 5, lines 30-33), fixing the battery to the frame of the vehicle. The Grabowski battery is fixed to the floorboard of the vehicle in every embodiment, and because it is intended to assist in propelling the car it must be fixed in order to avoid unexpected disconnection of electrical connections which might cause an accident. The Kifer console is deliberately designed to be relocatable within the vehicle, and its primary advantage is that it can be moved from one location to another. Combining the Grabowski battery with the Kifer console would either destroy the advantage of the Kifer console by fixing it to a single location or would destroy the utility of the Grabowski battery by making it mobile. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. See *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Applicant respectfully suggests that Kifer does not disclose or suggest the features and relationships that are specifically recited in Claim 37. Hence, Applicant’s Claim 37 patentably distinguishes over the Kifer reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

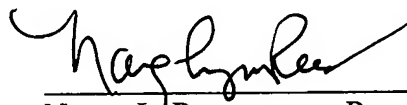
### **Conclusion**

Dependent Claims 4, 11, 20, and 24 have been amended herein to correct typographical errors. Each of Applicant’s pending claims, including Claims 4, 11, 20, and 24 as amended, specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any such teaching, suggestion, or

motivation for combining features of the applied art so as to produce Applicant's invention.

Reconsideration and allowance of all the pending claims is requested. The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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